

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BRENNAN M. GILMORE,

Plaintiff

v.

ALEXANDER JONES, et al.,

Defendants

CASE NO.: 3:18-cv-00017-GEC

**JOINT MOTION OF DEFENDANTS
HOFT AND STRANAHAN FOR LEAVE
TO FILE A SURREPLY IN OPPOSITION
TO MOTION TO SET BRIEFING
SCHEDULE**

NOW COME Defendants James Hoft and Lee Stranahan, by their counsel Aaron J. Walker, Esq., in the above-styled case for the sole purpose of filing this Joint Motion for Leave to File a Surreply in Opposition to the Motion to Set Briefing Schedule, without waiving any rights of jurisdiction, notice, process, joinder, or venue. They state the following:

1. Undersigned counsel recognizes that it is unusual for this Court to allow a surreply,¹ but it is justified in this instance to correct the record on an important factual point and avoid unintentionally misleading this Court. The Plaintiff's "Reply to Defendants Hoft and Stranahan's Joint Opposition to Motion to Set Briefing Schedule for Resolution of Motions to Dismiss by Plaintiff Brennan Gilmore" (the "Reply") (ECF No. 34), p.2, n.1, gives the impression that Mr. Stranahan is licensed to drive in Texas. In fact, as the surreply shows, he is legally blind and consequently has no license to drive. Undersigned counsel brought these facts to the attention of the Plaintiff's counsel and asked for their Reply to be amended. The amendment was refused,

¹ It is not unheard of for this Court to allow for the filing of a surreply. *See, e.g., Combined Ins. Co. of America v. Wiest*, 578 F.Supp.2d 822, 834 (W.D. Va. 2008) (discussing the contents of a surreply accepted by the court).

necessitating this proposed surreply, attached as Exhibit I, which does nothing more than correct that factual point.

WHEREFORE, the motion for leave to file a surreply should be granted.

Thursday, April 26, 2018

Respectfully submitted,

s/ Aaron J. Walker

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Western District of Virginia on Thursday, April 26, 2018. Participants in the case who are registered for electronic filing will be served automatically.

I further certify that some of the participants in the case are not registered for electronic filing or have not had counsel appear on their behalf. I have mailed the foregoing by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three calendar days to the following persons who have not registered for electronic filing:

Scott Creighton, a/k/a/ Raymond Scott Creighton, 9214 13th Street N, Apt. A, Tampa, FL 33612

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s/ Aaron J. Walker